

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**NETCHOICE, LLC,**

**Plaintiff,**

**vs.**

**Case No. 2:24-cv-0047**

**Chief Judge Algenon L. Marbley**

**Magistrate Judge Elizabeth P. Deavers**

**DAVE YOST,**

**Defendant.**

**ORDER**

This matter is before the Court for consideration of the Notice of Withdrawal and Substitution of Counsel. (ECF No. 38.) Attorney Michael C. Cotton purports to withdraw as Plaintiff's co-counsel in this action.

The subject Notice is ineffective, however, because it fails to comply with Southern District of Ohio Local Civil Rule 83.4, which states in pertinent part that "[n]o attorney of record may withdraw . . . without first: . . . obtaining leave of Court." S.D. Ohio Civ. R. 83.4(b). The subject Notice, however, does not seek leave for Attorney Cotton to withdraw. (ECF No. 36.)<sup>1</sup>

Regardless, construing the Notice as a Motion to Withdraw, the Motion is **GRANTED**. Attorney Michael C. Cotton is **WITHDRAWN** as co-counsel for Plaintiff.

**IT IS SO ORDERED.**

**Date: April 11, 2024**

**/s/ Elizabeth A. Preston Deavers**

**ELIZABETH A. PRESTON DEAVERS  
UNITED STATES MAGISTRATE JUDGE**

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<sup>1</sup> The Notice also is not signed by Plaintiff's trial attorney Matthew H. Rice. See S.D. Ohio Civ. R. 83.5(a).